

AN ACT

ENTITLED, An Act to revise the grounds for revocation or suspension of an alcoholic beverage license and to provide for the revocation of driving privileges upon a conviction for unlawful sales or purchases of alcoholic beverages involving persons under the age of twenty-one.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

Section 1. That chapter 35-2 be amended by adding thereto a NEW SECTION to read as follows:

No retail license may be revoked or suspended because of a violation of any statute, ordinance, rule, or regulation prohibiting the sale or service of any alcoholic beverage to a person under the age of twenty-one years if the violation was committed by an employee or agent of the licensee and:

- (1) The licensee did not see the violation occur;
- (2) The employee or agent has been certified by a nationally recognized training program approved by the Department of Revenue that provides instruction on techniques to prevent persons under the age of twenty-one years from purchasing or consuming alcoholic beverages;
- (3) The licensee has a written policy requiring the licensee's employees or agents to examine the driver's license or other age-bearing identification document of any person who appears to be under the age of twenty-one years before selling or serving any alcoholic beverage to that person, and the employee or agent has agreed in writing to abide by the policy;
- (4) The employee or agent has not been convicted of a similar violation within the past twelve months; and
- (5) The licensee has not had any prior violation of any statute, ordinance, rule, or regulation prohibiting the sale or service of an alcoholic beverage to a person under the age of twenty-one years on the premise where the violation occurred in the previous twelve months.

Section 2. That chapter 35-9 be amended by adding thereto a NEW SECTION to read as follows:

If the conviction for a violation of § 35-9-1, 35-9-1.1, or 35-9-2 is for a first offense, the court shall, in addition to any other penalty allowed by law, order the revocation of the defendant's driving privileges for a period not less than thirty days and not to exceed one year. However, the court may issue an order permitting the person to operate a motor vehicle for purposes of the person's employment or attendance at school or to court-ordered counseling programs during the hours of the day and the days of the week set forth in the order. The court may also restrict the privilege in such manner as it sees fit for a period not to exceed one year.

If the conviction for a violation of § 35-9-1, 35-9-1.1, or 35-9-2 is for a second or subsequent offense, the court shall, in addition to any other penalty allowed by law, order the revocation of the defendant's driving privileges for a period not less than sixty days and not to exceed one year.

An Act to revise the grounds for revocation or suspension of an alcoholic beverage license and to provide for the revocation of driving privileges upon a conviction for unlawful sales or purchases of alcoholic beverages involving persons under the age of twenty-one.

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I certify that the attached Act originated in the

HOUSE as Bill No. 1101

\_\_\_\_\_  
Chief Clerk

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\_\_\_\_\_  
Speaker of the House

Attest:

\_\_\_\_\_  
Chief Clerk

\_\_\_\_\_  
President of the Senate

Attest:

\_\_\_\_\_  
Secretary of the Senate

House Bill No. 1101  
File No. \_\_\_\_\_  
Chapter No. \_\_\_\_\_

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Received at this Executive Office this \_\_\_\_ day of \_\_\_\_\_ ,

20\_\_\_\_ at \_\_\_\_\_ M.

By \_\_\_\_\_  
for the Governor

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The attached Act is hereby approved this \_\_\_\_\_ day of \_\_\_\_\_ , A.D., 20\_\_\_\_

\_\_\_\_\_  
Governor

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STATE OF SOUTH DAKOTA,  
ss.

Office of the Secretary of State

Filed \_\_\_\_\_ , 20\_\_\_\_  
at \_\_\_\_\_ o'clock \_\_ M.

\_\_\_\_\_  
Secretary of State

By \_\_\_\_\_  
Asst. Secretary of State